

## **FAQ working safely during the Covi-19 pandemic**

### **As an employer what do I have to do to make my business safe?**

As an employer, you must protect people from the risk of transmission of Covid-19. This is done by way of a risk assessment and it will help you manage risk and protect people. If done properly it will ensure your business is Covid secure.

### **Do have to write anything down?**

If you have more than 5 employees on site at any one time you must document the significant findings including what you are doing to control the risks. If you are a very small business you should still write down what you are doing as this will help you manage regular reviews. It will also help if you are contacted as part of the track and trace system.

### **Who enforces the legislation for controlling Covid in the workplace?**

The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 as amended ensure businesses remain closed where necessary and is enforced by Environmental Health Officers (EHO) at Cheltenham Borough Council. (CBC)

The Health and Safety at Work etc Act 1974 and associated regulations ensure adequate Covid-19 controls are in place in the hospitality sector and are enforced by EHO's at CBC.

### **I am not sure what controls I need to put in place. Where can I find guidance?**

Details on how to carry out a risk assessment can be found at :

<https://www.hse.gov.uk/coronavirus/working-safely/risk-assessment.htm>

Practical guidance on controls to keep customers and staff safe in your pub, restaurant or café can be found at:

<https://assets.publishing.service.gov.uk/media/5eb96e8e86650c278b077616/Keeping-workers-and-customers-safe-during-covid-19-restaurants-pubs-bars-takeaways-230620.pdf>

Practical advice on opening hotels and guest accommodation associated with the hospitality sector can be found at:

<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/hotels-and-other-guest-accommodation>

There are also industry and institute guidance such as UK hospitality which you may wish to use.

<https://view.publitas.com/ukh/coronavirus-advice-for-hotels-and-the-hospitality-industry-25-02-2020/page/1>

These are guidance documents and are subject to change at short notice and you must keep up to date with the requirements for your particular sector.

### **Do I have to do everything within the guidance documents?**

These are for guidance only and are not law although complying with them may help demonstrate you are doing things as far as reasonably practicable to keep everyone safe. They provide freedom to think about what controls are needed in your business. You must decide on the most effective control for each activity you carry out.

### **Can I pay an external company to do my risk assessment?**

A suitable assessment can only be done whilst on the site observing how staff and public behave and move around the building. An external company can do this for you if they are onsite and know your business. They could help guide you through your assessments but they should not give you a standard document which consists of general controls. You know your business best and there is plenty of guidance to help you decide the most effective controls.

### **Will Council Officers check my Risk Assessments?**

The council will not 'rubber stamp' your assessment as this assessment should be a continuous process of implementation, monitoring and reviewing. We may in some circumstances request a copy of your current assessment or details of your controls.

### **Will council officers be carrying out site visits to check compliance?**

Officers will follow up any complaints with businesses using remote interventions and site visits as necessary. We will discuss any controls you have identified and how you are implementing them. You must be able to demonstrate that you have given due regard to the measures needed and the implementation of them. In particular where social distancing has been reduced to 1m your assessment must indicate the mitigating measures you are relying on. It is anticipated that any site intervention conducted by a Council Official will involve monitoring of your Covid controls.

### **Can I reduce social distancing to 1m**

The 2m rule in workplaces is not stipulated in law in England. If you can keep 2m distance at all times for all activities and interactions within your business and it is viable to do so then you should do it. Where it is not viable then you can reduce to 1m plus mitigating measures. For example if members of the public from different households are not 2m apart when seated, the mitigating measures may be provision of screens. If you have been operating viably and safely with 2m then you are advised not to reduce this distance. This is essential a respiratory disease spread by aerosols and keeping the distance to 2m dramatically reduces the risk. Your insurance company may have specific requirements with regards to controls and you are advised to check with them.

### **Do I have to keep customer details?**

Yes. You must keep customer details in a way which is manageable for your business which helps with the track and trace system and is in line with general data protection requirements. Exact details can be found at <https://www.gov.uk/government/news/public-asked-to-leave-a-name-and-number-with-venues-to-help-stop-the-spread-of-covid-19> with a tool kit at [https://drive.google.com/drive/folders/11h4E\\_AJXbFI7U7A3R2JcTHJtsEjJPXMc](https://drive.google.com/drive/folders/11h4E_AJXbFI7U7A3R2JcTHJtsEjJPXMc)

### **Will I be prosecuted if I get things wrong?**

We understand that these are difficult times and that most businesses are trying hard to do the right thing. We will engage and encourage businesses to get things right. Where businesses fail to follow advice or have a blatant disregard for the law then action will be taken in accordance with the Councils Enforcement Policy. This is an emergency situation which must be controlled.

[https://www.cheltenham.gov.uk/downloads/download/745/corporate\\_enforcement\\_policy](https://www.cheltenham.gov.uk/downloads/download/745/corporate_enforcement_policy)

### **Can I use my outside space for tables and chairs?**

Once restrictions have been lifted (4<sup>th</sup> July) then you may operate in an outside space provided you have the capacity and can operate safely. If you already have permission and are using seating outside then this area should be included in your risk assessments to ensure you keep staff customers and the wider public safe. The social distancing requirements as described above will still apply.

If you do not have permission or need to extend it you should contact the licensing team for more information

[https://www.cheltenham.gov.uk/info/41/licences\\_-\\_streets/107/objects\\_on\\_the\\_highway](https://www.cheltenham.gov.uk/info/41/licences_-_streets/107/objects_on_the_highway)

### **What can I not do in my business?**

When you open on the 4<sup>th</sup> July you will **not** be permitted:

- live performances in front of a live audience , including drama, comedy and music.
- bowling or skittle alley
- soft play area (outdoor play areas are allowed)
- music or broadcasts that may encourage shouting
- Communal dancing

If you cannot make your business Covid secure then you should not open. If you cannot control the risks from particular activities then you should not allow that particular activity to go ahead eg snooker, darts, carvery, buffet.

### **What if the public don't follow the controls in place?**

Most people are risk averse and will want to do the right thing to protect themselves and others. They have a responsibility to follow any rules you have in place. You must help them to do this through signage and information. Those whose fail to adhere to the necessary controls should be asked to leave.

### **What if I still have questions?**

You can contact the Public Protection Team at [envhealth@cheltenham.gov.uk](mailto:envhealth@cheltenham.gov.uk)